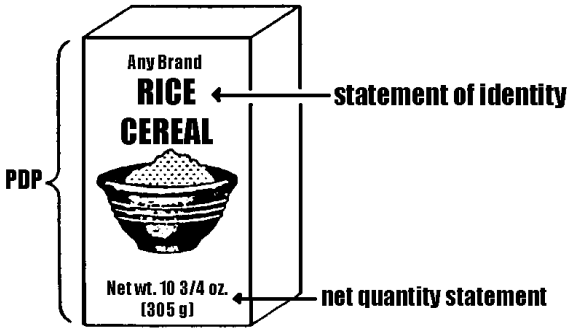
Frequent Food Label Questions

Food manufacturers, packers, and distributors should become fully informed about applicable labeling laws before offering food for distribution in Wisconsin. This brochure is intended to provide general information about food labeling requirements. It does not include meat or poultry labeling (see other DFS publications for meat labeling information). Persons intending to offer food for distribution also may purchase the Food & Drug Administration's publication, *A Food Labeling Guide* through the Wisconsin Department of Agriculture, Trade & Consumer Protection. The guide provides both basic and detailed food labeling information for food businesses. Below are excerpts from that FDA guide.

General Food Labeling Requirements

Where should label statements be placed on containers and packages?
There are two ways to label packages and containers: Place all required label statements on the front label panel (the principal display panel (PDP), *or*, place certain specified label statements on the PDP, and other labeling on the information panel (the label panel immediately to the right of the PDP as seen by the consumer facing the product).

What are the "principal display panel (PDP)" and the "alternate principal display panel"?
The PDP is that portion of the package label that is most likely to be seen by the consumer at the time of purchase. Many containers are designed with two or more different surfaces that are suitable for display as the PDP. These are alternate principal display panels.



What label statements must appear on the principal display panel?
Place the statement of identity, or name of the food, and the net quantity statement, or amount of the product, on the PDP and on the alternate PDP, using the required type size.

Which label panel is the information panel?
The information panel is the label panel immediately to the right of the PDP, as displayed to the consumer. If this panel is unusable, due to package design and construction (i.e., folded flaps), then the information panel is the next label panel immediately to the right.

What is information panel labeling?
The phrase "information panel labeling" refers to the label statements that are generally required to be placed together, without any intervening material, on the information panel (if such labeling does not appear on the PDP). These label statements include the name and address of the manufacturer, packer or distributor, the ingredient list, and nutrition labeling.

What type size, prominence and clarity is required?
For information panel labeling, use a print or type size that is prominent, conspicuous and easy to read. Use letters that are at least one-

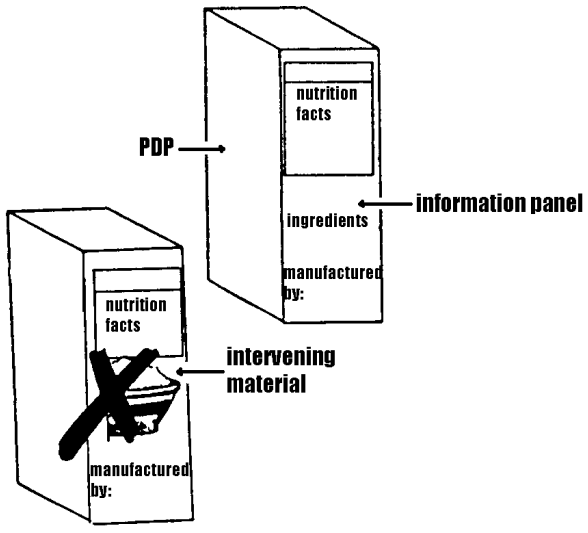
sixteenth (1/16) inch in height based on the lower case letter "0". The letters must not be more than three times as high as they are wide, and the lettering must contrast sufficiently with the background so as to be easy to read. Do not crowd required labeling with artwork or non- required labeling.

"CFR" stands for the Code of Federal Regulations. The portion containing detailed food labeling regulations – Title 21, CFR, Parts 100-169 – is $44.00. It can be ordered from the following addresses: *www.access.gpo.gov/nara/cfr/index.html*, or U.S. Government Bookstore, Reuss Federal Plaza, 310 W. Wisconsin Avenue, Suite 150, Milwaukee, WI 53203. Or by calling 414-297-1304.

Smaller type sizes may be used for information panel labeling on very small food packages (refer to 21 CFR 101.2(c».

Different type sizes are specified for the nutrition facts label.

What is the prohibition against intervening material?
Nonessential, intervening material is not permitted to be placed between the required labeling on the information panel (e.g., the UPC bar code is not required labeling).



DECLARATION OF RESPONSIBILITY

What name and address must be listed on the label?
Food labels must list:

- Name and address of the manufacturer, packer or distributor. Unless the name given is the actual manufacturer, it must be accompanied by the qualifying phrase which states the firm's relation to the product, e.g., "manufactured for" or "distributed by"
- Street address if the firm name and address are not listed in the current city directory or telephone book
- City or town
- State (or country, if outside the U.S.)
- Zip code (or mailing code used in countries other than the United States)

NAME OF THE FOOD

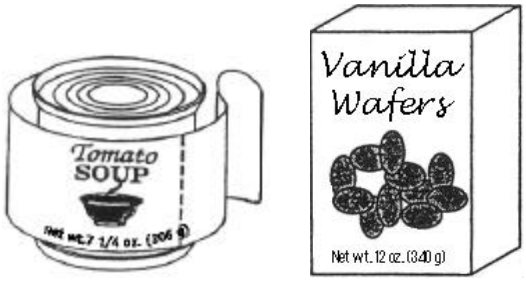
What is the "name of the food statement" called and where must it be placed?
The statement of identity is the name of the food. It must appear on the front label, or principal display panel as well as any alternate principal display panel.

How should the statement of identity be placed on the label?
Place the state of identity in lines generally parallel to the base of the package.

Should the statement of identity stand out?
Use prominent print or type of the statement of identity. It must be in bold type. The type size must be reasonably related to the most prominent printed matter on the front panel and should be one of the most important features on the principal display panel. Generally, this is considered to be at least 1/2 the size of the largest print on the label.

What name should be used as the statement of identity?

The common or usual name of the food, if the food has one, should be used as the statement of identity. If there is none, then an appropriate descriptive name, that is not misleading, should be used.



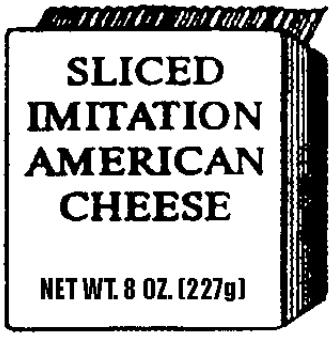
The common or usual name must be used for a food if it has one (e.g. Tomato Soup). It would be considered misleading to label a food that has an established name with a new name. If the food is subject to a standard of identity it must bear the name specified in the standard (refer to 21 CFR l0l.3(b) (2)).

When are fanciful names permitted?
When the nature of the food is obvious, a fanciful name commonly used and understood by the public may be used (e.g., Vanilla Wafers.)

Should modified statements of identity be used for sliced and unsliced versions of a food?
Labels must describe the form the food in the package if the food is sold in different optional forms such as sliced and unsliced, whole or halves, etc.

What food must be labeled as an "imitation"?
A new food that resembles a traditional food and is a substitute for the traditional food must be labeled as an imitation if the new food contains less protein or a lesser amount of any essential vitamin or mineral (e.g., Sliced Imitation American Cheese).

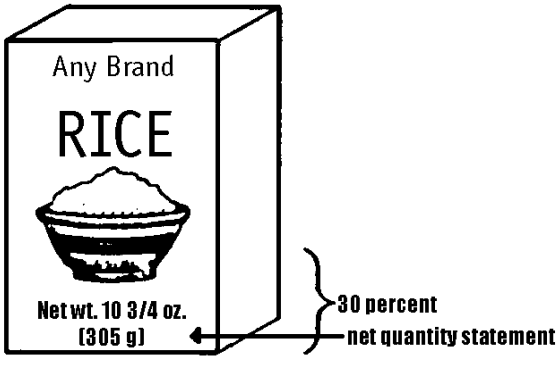
What type size and degree of prominence is required for the word "imitation " in the product?
Use the same type size and prominence for the word "imitation" as is used for the name of the product imitated.



NET QUANTITY OF CONTENTS

What is the net quantity of contents?
The net quantity of contents (net quantity statement) is the statement on the label that provides the amount of food in the container or package.

Where is the net quantity statement placed on the label?
The net quantity statement (net quantity of contents) is placed as a distinct item on the bottom 30 percent of the principal display panel, in lines generally parallel with the base of the container.



Should the net quantity of contents be stated in both grams and ounces?

Food labels printed must show the net contents on both metric (grams, kilograms, milliliters, liters) and the U.S. Customary System (ounces, pounds, fluid ounces) terms.

The metric statement may be placed either before or after the U.S. Customary statement, or above or below it. Each of the following examples is correct:

Net wt. l lb. 8 oz. (680g)

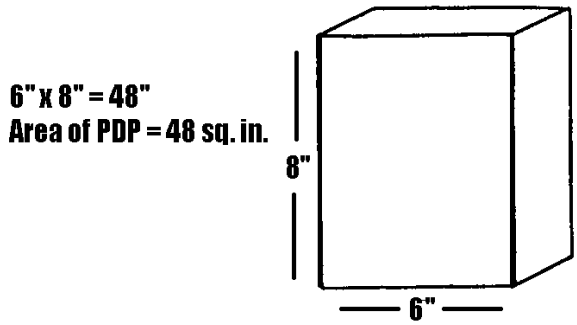
Net wt 1 lb. 8 oz.
680g

500 ml (1 pt 0.9 fl oz)

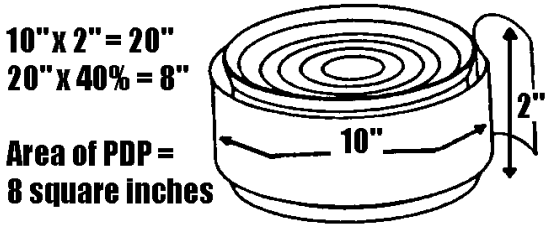
Net contents 1 gal
3.79L

Why is it necessary to calculate the area of the principal display panel (PDP)?
The area of the principal display panel (calculated in square inches or square centimeters) determines the minimum type size that is permitted for the net quantity statement (see next question).

Rectangles/squares:
Calculate the area of the principal display panel as follows. The area of the rectangle or square principal display panel on a carton is the height multiplied by the width (both in inches or both in centimeters).



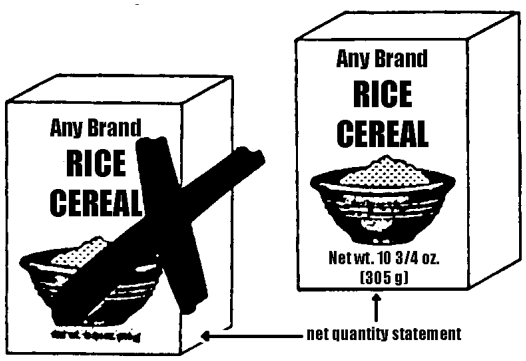
Cylinders:
To calculate the area of the principal display panel for a cylindrical container, multiply 40% of the height by the circumference.



What is the minimum type size?
For the net quantity statements, the minimum type size is the smallest type size that is permitted based on the space available for labeling on the principal display panel (PDP). Determine the height of the type by measuring the height of the lower case letter "0" or its equivalent when mixed upper and lower case letters are used, or the height of the upper case letters when only upper case letters are used.

Minimum Type	Area of PDP
1/16 in (1.6 mm)	5 sq. in. (32 sq. cm.) or less
1/8 in (3.2 mm)	More than 5 sq. in. (32 sq. cm.) but not more than 25 sq in. (161 sq cm)
3/16 in. (4.8 mm)	More than 25 sq. in. (161 sq. cm.) but not more than 100 sq. in. (645 sq. cm.)
1/4 in. (6.4 mm)	More than 100 sq. in. (645 sq. cm.) but not more than 400 sq. in. (2580 sq. cm.)
1/2 in. (12.7 mm)	Over 400 sq. in. (2580 sq. cm.)

What are the conspicuousness and prominence requirements for net quantity statements?
Choose a print style that is prominent, conspicuous and easy to read. The letters must not be more than three times as high as they are wide, and lettering must contrast sufficiently with the background to be easy to read. Do not crowd the net quantity statement with artwork or other labeling (minimum separation requirements are specified in the regulation).



What is included in the net quantity of contents statement?
Only the quantity of food in the container or package is stated in the net quantity statement. Do not include the weight of the container, or wrappers and packing materials. To determine net weight, subtract the average weight of the empty container, lid and any wrappers and packing materials for the average weight of the container when filled with food (21 CFR l0l.l05(g)).

Filled container weighs	18 oz.
Empty container weighs	2 oz.
Wrapper weighs	1 oz.
Net Weight	15 oz. (425 g)

Is water or the packing medium included in determining the net quantity of contents in a food container?
The water or other liquid added to food in a container is usually included in the net quantity declared on a label. In some cases where the packing medium is normally discarded, the drained weight is given, e.g., olives and mushrooms (21 CFR 101.105(a)).

Beans weigh	9 oz.
Water weighs	4 oz.
Sugar weighs	1 oz.
Net Weight	14 oz. (396 g)

What is the net quantity of contents for a pressurized can?
The net quantity is the weight or volume of the product that will be delivered from the pressurized container together with the weight or volume of the propellant.

Whipped cream	11.95 oz.
Propellant	.05 oz.
Net Weight	12 oz. (340 g)

What is the policy on using qualifying phrases in net quantity of contents statements?
Do not use qualifying phrases or terms that exaggerate the amount of food.

Wrong:	Net Wt. = 2 ~~large~~ oz. (5 g)
Correct:	Net Wt. = 2 oz. (5 g)

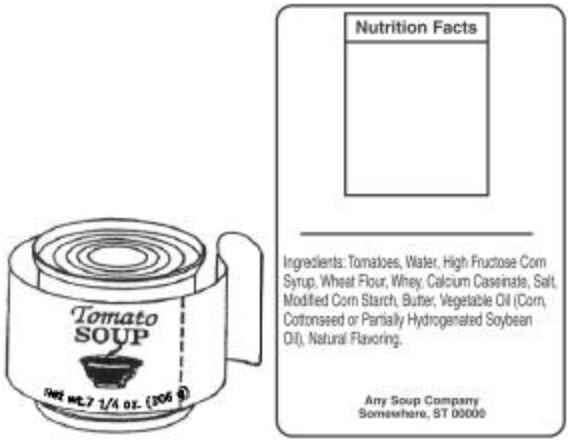
INGREDIENT LIST

What is the ingredient list?
The ingredient list on a food label is the listing of each ingredient in descending order of predominance. "INGREDIENTS: Pinto Beans, Water, and Salt."

What is meant by the requirement to list ingredients in descending order of prominence?
Descending order of predominance means that the ingredients are listed in order of predominance by weight, that is, the ingredient that weighs the most is listed first, and the ingredient that weighs the least is

listed last (see example above and illustration below).

Where is the ingredient list placed on the label?
The ingredient list is placed on the same label panel as the name and address of the manufacturer, packer or distributor. This may be either the information panel or the principal display panel. It may be before or after the nutrition label and the name and address of the manufacturer, packer or distributor.



What type size is required for ingredient lists?
Use a type size that is at least 1/16 inch in height (lower case "0") and that is prominent, conspicuous, and easy to read. (Please note: specific requirements exist for type size, prominence, and clarity for information panel labeling. See General Food Labeling above.)

Should water be listed as an ingredient?
Water added while making a food is considered to be an ingredient. The added water must be identified in the list of ingredient and listed in its descending order of predominance by weight.

"INGREDIENTS: Water, Navy Beans, and Salt."

Should the common or usual name always be used for ingredients?
Yes, unless there is a regulation that provides for a different term. For instance, use the term "sugar" instead of the scientific name "sucrose."

Is it necessary to declare trace ingredients?
It depends on whether the trace ingredient is present in a significant amount and has a function in the finished food. If a substance is an incidental additive and has no function or technical effect in the finished product, then it need not be declared on the label. An incidental additive is usually present because it is an ingredient of another ingredient. *Sulfites* are considered to be incidental only if present at less than 10 ppm.

What foods may list alternative fat and oil ingredients?
Listing alternative fat and oil ingredients ("and/or" labeling) is permitted only in the case of foods that contain relatively small quantities of added fat or oil ingredients (foods in which added fats or oils are not the predominant ingredient), and only if the manufacturer is unable to predict which fat or oil ingredient will be used. Origins of oil and shortening must be stated.

"INGREDIENTS... Vegetable Oil (contains one or more of the following: Corn Oil, Soybean Oil, or Safflower Oil)…"

What ingredient listing is necessary for chemical preservatives?
When an approved chemical preservative is added to a food, the ingredient list must include both the common or usual name of the preservative and the function of the preservative by - including terms, such as "preservative," "to retard spoilage," " a mold inhibitor," "to help protect flavor," or "to promote color retention."

"INGREDIENTS: Dried Bananas, Sugar, Salt, and Ascorbic Acid to Promote Color Retention."

How are spices, natural flavors or artificial flavors declared in ingredient lists?
These may be declared in ingredient lists by using either specific common or usual names or by using the declarations "spices," "flavor" or "natural flavor," or "artificial flavor."

"INGREDIENTS: Apple Slices, Water, Cane Sugar, Corn Syrup, Modified Corn Starch, Spices, Salt, Natural Flavor and Artificial Flavor."

What listing is used for a spice that is also a coloring?
Spices, such as paprika, turmeric, saffron and others that are also colorings must be declared either by the term "spice and coloring" or by the actual (common or usual) names, such as "paprika."

What ingredient listing is used for vegetable powder?
Vegetable powders must be declared by common or usual name, such as "celery powder."

What ingredient listing is used for artificial colors?
It depends on whether the artificial color is a certified color. For *certified* colors, list by specific or abbreviated name such as "FD&C Red No.40" or "Red 40." For *non-certified* colors, list as "artificial color," "artificial coloring," or by their specific common or usual names such as "caramel coloring" or "beet juice."

NUTRITION LABELING

Are "Nutrition Facts" labels required on all foods?

The new nutrition label is required on most food packages. The illustration indicates suggested typeface and style to help assure readability and conspicuousness. Order the FDA guide for specific details (see last page).

Some food packages are exempt from nutrition labeling requirements. Below are listed categories providing exemptions or special provisions for nutrition labeling. However, a food package loses those exemptions, which are noted by an asterisk, if a nutrition claim is made such as "fat free" or "low in sodium") or nutrition information is provided.

Summary of Exemptions:

Exemptions are defined in 21 CFR 101.9 (j).

- *Manufactured by a small business
- *Food served in restaurants, etc. or delivered to homes ready for immediate consumption
- *Delicatessen-type food, bakery products and confections that are sold

directly to consumers from the location where prepared

- *Foods that provide no significant nutrition such as instant coffee (plain, unsweetened) and most spices
- Infant formula, and infant and junior foods to 4 years (modified label provisions for these categories)
- Dietary supplements of vitamins and minerals (exemption does not apply to dietary supplements on conventional food forms)
- Medical foods
- Bulk foods shipped for further processing or packaging before retail sale
- *Fresh produce department and seafood department in grocery stores (a voluntary nutrition labeling program using placards covers these foods)
- Single-ingredient fish or game meat may be labeled on basis of 3-ounce coded portion (as prepared). Custom-processed fish or game is exempt from nutrition labeling
- Certain egg cartons (nutrition information inside lid or on insert in carton)
- Package labeled "This unit not labeled for retail sale" within multi-unit package, and outer wrapper bears all required label statements
- Self-service bulk foods-nutrition labeling by placard, or on original container displayed clearly in view
- Donated food that is given free (not sold) to the consumer. You are not required to put "Nutrition Facts" labels on donated food unless that donated food is later placed on sale (the law applies only to food that is "offered for sale")

FOR MORE INFORMATION

The Division of Food Safety staff recommends that persons intending to offer food for distribution purchase the FDA publication, *A Food Labeling Guide.* This booklet is available through the Wisconsin DATCP. The guide provides both basic and detailed food label information for food businesses. The cost is $7.00 per booklet. If you need additional information, contact the Division of Food Safety regional office nearest you.

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